

203-10/PJG/GMV/EJC  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT

ELECTRONICALLY FILED

DATE FILED: 6/25/10

JUN 23 2010

ALVIN K. HELLERSTEIN  
CLERK OF COURT

JADE NAVIGATION S.A.,

Plaintiff,

- against -

TRANSFIELD ER CAPE LIMITED,

Defendant.

10 Civ. \_\_\_\_\_

**ORDER DIRECTING CLERK TO ISSUE  
PROCESS OF MARITIME ATTACHMENT  
AND GARNISHMENT AND APPOINTING  
PROCESS SERVER**

On June 23, 2010, Plaintiff Jade Navigation S.A. filed a Verified Complaint in the captioned action seeking, *inter alia*, damages and the issuance of Process of Maritime Attachment and Garnishment, pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure (hereinafter "Rule B"), in an amount up to and including of **\$866,377.36**.

The Court has reviewed the Verified Complaint and the Supporting Affidavit of Edward J. Carlson, dated June 23, 2010, and finds that the conditions of Rule B appear to exist, as the Affidavit of Edward J. Carlson has demonstrated that the defendant is not present within the District but that the defendant's property is located in this District, including without limitation, funds or assets of the defendant held in escrow at either JPMorgan Chase or with counsel in connection with the action filed by Front Carriers against the defendant bearing Civil Action No. 07 Civ. 6333 (RJS) (S.D.N.Y.).

**ACCORDING, IT IS HEREBY**

**ORDERED** that, pursuant to Rule B, Process of Maritime Attachment and Garnishment shall issue in an amount up to **\$866,377.36** against all goods, chattel, credits, letters of credit, bills of lading, debts, effects and monies, funds, credits, wire transfers, accounts, letters of credit, freights, sub-freights, charter hire, sub-charter hire, or any other tangible or intangible property

belonging to, claimed by, being held for or on behalf of, or being transferred for the benefit of Defendant including without limitation any funds or assts being held in connection with Civil Action No. 07 Civ. 6333 (RJS) in the possession, custody or control of JPMorgan Chase, Holland & Knight, LLP, Chalos, O'Connor & Duffy, LLP, or Lennon Murphy Caulfield & Phillips, LLC, upon whom a copy of the Process of Maritime Attachment Garnishment may be served; and

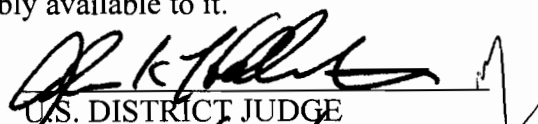
**ORDERED** that any person claiming an interest in any property attached or garnished pursuant to this Order shall, upon application to the Court, be entitled to a prompt hearing at which the plaintiff shall be required to show why the attachment and garnishment should not be vacated; and

**ORDERED** that any person at least 18 years of age and not a party to this action, employed with or appointed by Plaintiff's counsel, Freehill, Hogan & Mahar, LLP, be and hereby is appointed to serve this Order and Process of Maritime Attachment and Garnishment on the garnishees identified herein and on such additional garnishees as permitted herein; and

**ORDERED**, that supplemental process specifying other or additional garnishees and enforcing the Court's order may not be issued by the Clerk without further Order of the Court;

**ORDERED**, that a copy of this Order be attached to and served with initial service of the Process of Maritime Attachment and Garnishment upon each garnishee; and

**ORDERED**, that upon determining that it is in possession of any property which may be subject to this Order, any garnishee shall, as soon thereafter as is practicable, advise the plaintiff of such details about the attachment as are reasonably available to it.

  
U.S. DISTRICT JUDGE  
6/25/10  
10<sup>15</sup> am.